IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 9762 OF 2007(K)

PETITIONER:

VIJAYAM SETHUMADAVAN,
W/O LATE SETHUMADAVAN, AGED 45 YEARS,
KONNAYATH VEEDU, MANKARA AMSOM AND DESOM,
PALAKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY
SMT.NAJI LONAPPAN

RESPONDENTS:
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1. THE STATE OF KERALA REP.BY
HOME SECRETARY, SECRETARIAT,
TRIVANDRUM.

2. THE DISTRICT SUPERINTENDENT OF POLICE,
PALAKKAD.

3. THE SUB INSPECTOR OF POLICE,
MANKARA POLICE STATION,
PALAKKAD DT.

4. HEAD LOAD WORKERS UNION (INTUC),
CHANDANAPURAM UNIT,
BY SECRETARY CHATHAN, PATHIRIPALA, PALAKKAD.

5. HEAD LOAD WORKERS UNION (CITU),
NJARAKODE UNIT, BY SECRETARY BALAKRISHNAN,
MANKARA, PALAKKAD.

ADDL. R6. THE DISTRICT LABOUR OFFICER, -PALAKKAD,
CIVIL STATION, PALAKKAD.

GOVT. PLEADER SRI. K.C. SANTOSH KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	**A TRUE COPY OF THE RECEIPT FOR LICENCE FEE DATED 17.11.2006 PAID BY THE PETITIONER TO MANNUR GRAMA PANCHAYAT, PALAKKAD DT.**
EXT. P2	**A TRUE COPY OF THE RECEIPT FOR BUILDING TAX DATED 4.11.2006 PAID BY THE PETITIONER TO MANNUR GRAMA PANCHAYAT, PALAKKAD DT.**
EXT.P3	**A TRUE COPY OF THE COMPLAINT DATED 6.3.2007 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**
EXT.P4	**A TRUE COPY OF THE APPLICATION FOR REGISTRATION OF HEADLOAD WORKER SUBMITTED BY P. MOHANAKRISHNAN BEFORE THE ASSISTANT LABOUR OFFICER, PALAKKAD.**
EXT.P5	**A TRUE COPY OF THE APPLICATION FOR REGISTRATION OF HEADLOAD WORKER SUBMITTED BY M.K. MANIKANDAN BEFORE THE ASSISTANT LABOUR OFFICER, PALAKKAD.**
EXT.P6	**A TRUE COPY OF THE APPLICATION FOR REGISTRATION OF HEADLOAD WORKER SUBMITTED BY N. VIJAYAKUMAR BEFORE THE ASSISTANT LABOUR OFFICER, PALAKKAD.**

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.
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W.P.(C) NO. 9762 OF 2007
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DATED THIS, THE 6TH DAY OF JULY, 2007.

J U D G M E N T

Raman, J.

Petitioner runs a brick unit under the name and style "Seego Power Stone" in Mankara Village, Palakkad, which is engaged in the manufacturing of cement blocks, cement tiles etc. According to the petitioner, she has got three permanent workers employed for manufacturing purpose who are also engaged in loading and unloading of the raw materials used for manufacture of the products Though initially, the writ petition was filed under the impression that the area is not covered by the Scheme, subsequently, petitioner amended the writ petition. The permanent workers also applied before appropriate authorities for registration under the Scheme as evidenced by Exts.P4 to P6.

2. On 28.6.2007, this Court directed the Assistant Labour Officer to consider and pass appropriate orders on Exts.P4 to P6 at the earliest. When the matter came up for consideration to day, it is submitted by the learned

counsel for the petitioner that the Assistant Labour Officer has granted registration as applied for to the permanent workers of the petitioner, under the Scheme. The same is recorded.

3. In the circumstances, if the petitioner engages her permanent workers for the loading and unloading work connected with her manufacturing unit, there cannot be any physical obstruction caused by Respondents 4 and 5 and in case any obstruction is caused, it is open to the petitioner to approach the third respondent who shall gave necessary protection so as to enable the petitioner to carry out the work with her permanent workers.

With the above direction, the writ petition is disposed of.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-